



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,076	08/02/2000	Steven Paul Hasmanis	COX 1484-007	8156
8698 7590 01/10/2008 STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			EXAMINER SING, SIMON P	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/631,076

Applicant(s)

HASMANIS ET AL.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,10,11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,10,11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 5-8, 10, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites a called number table which retrieves a customer account number associated with a calling number. It is unclear how a table (database) is able to perform the retrieving step, because the table, comprising only data stored in a memory, has no active means to retrieve the account number. In the following office action, examiner interprets "said called number table retrieves a customer account number" as "a controlling means retrieves a customer account number".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-8, 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Polcyn et al. US 6,061,433.

2.1 Regarding claim 1, Sartain discloses an interactive video system (cable TV, see column 4, lines 44-65) comprising:

- a switch (a telephone system inherently comprising a switch) for receiving calls, including the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

- a data storage component configured with customer information and event information, the customer information including account information, including calling number (column 4, lines 26-28; column 5, lines 1-6, 11-22), and the event information including a cable television event title (column 4, lines 6-18; column 10, lines 32-40);

- a called number table in communication with the switch (column 3, lines 17-20);

- a control means for retrieving customer information (column 5, lines 1-8, 13-19);

- a temporary data container (log) for storing customer data received for use in call processing (column 4, lines 22-26);

- an automatic voice response (VRU) unit 600 (figure 5), communicating with the switch and the data container, for providing recorded voice response with multiple applications subsequent to said retrieval of the customer information

(column 3, lines 29-34, 58-64; column 5, lines 1-8, 13-19; column 9, lines 42-46; column 10, lines 8-15), said multiple application including called number based pay-per-view (PPV) application (column 3, lines 17-20), a menu based PPV application (column 3, lines 1-10).

Sartain teaches providing different telephone numbers for different selection such as regular selection and promotional activities when a 1-800 or a 1-900 number appear on a television screen with a promotion (column 3, lines 17-20; column 4, lines 6-17; column 10, lines 8-15), but fails to explicitly teach that each television event has its own unique telephone number. Sartain also teaches that when ordering from a telephone outside a subscriber's home, some type of account number must be provided for payment (column 3, lines 51-54; column 4, lines 26-28; column 5, lines 1-6, 11-22), and a caller's telephone number is used to check payment information (column 5, lines 1-8). Sartain fails to teach using the VRU, with ANI information, to retrieve customer information including a caller's account number and additional information.

However, Lewis, discloses a cable TV event ordering system in figure 1, Lewis teaches a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis further teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

In addition, Polcyn teaches an interactive voice response unit, using ANI data to retrieve customer data including account number and account balance (column 4, lines 24-33; column 5, lines 46-67; column 6, lines 20-31; column 9, lines 9-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teachings of Lewis and Polcyn, so that each cable television's special event, such the "Rolling Stone" video, and each special sporting and entertainment events, would have its own unique telephone number for ordering, and a customer account number and balance would have been retrieved by the VRU with ANI data, because such a modification would have simplified cable event ordering by eliminating a program ID selecting step, and would have clarified how a customer account information was checked when the customer called from his own home.

2.2 Regarding claim 5, Sartain teaches multiple calling numbers for multiple programs which inherently have a called number table for processing incoming calls based on the called number.

2.3 Regarding claim 6, Sartain teaches that the calling number and the called number are stored in the log (column 4, lines 22-28).

2.4 Regarding claim 7, it is inherent that various data are transmitted between the switch and the voice response unit, such as prompts and account balance information.

2.5 Regarding claim 8, an examiner notice is served that it is well known in the art that there is a live operator connected to an automated system in order to solve problems encountered by the automated system (Polcyn: figure 1, agent station 150/155, column 3, line 67 to column 4, line 3).

2.6 Regarding claim 10, Sartain teaches that the customer information includes credit data (column 5, lines 1-22).

2.7 Regarding claim 11, Polcyn teaches transferring a customer to a live agent (column 3, line 67 to column 4, line 3).

2.8 Regarding claim 13, the modified Sartain reference teaches multiple telephone numbers, each for a television event, and Sartain teaches that each PPV program has its own prompt for processing orders (column 3, lines 29-34).

2.9 Regarding claim 14, Sartain discloses a method for ordering television programs (events), comprising the steps of:

receiving a call at a switch (a telephone system inherently comprising a switch) column (column 2, lines 49-56);

obtaining the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

retrieving customer information from a database based on the calling number (column 5, lines 1-6, 11-22);

storing the retrieved customer data in a log (temporary storage) (column 4, lines 22-28); and

running an automatic voice response application for cable television program ordering (column 3, lines 29-34; column 9, lines 42-46; column 10, lines 8-15).

Sartain teaches providing different telephone numbers for different selection such as regular selection and promotional activities when a 1-800 or a 1-900 number appear on a television screen with a promotion (column 3, lines 17-20; column 4, lines 6-17; column 10, lines 8-15), but fails to explicitly teach that each television event has its own unique telephone number. Sartain also teaches that when ordering from a telephone outside a subscriber's home, some type of account number must be provided for payment (column 3, lines 51-54; column 4, lines 26-28; column 5, lines 1-6, 11-22), and a caller's telephone number is used to check payment information (column 5, lines 1-8). Sartain fails to teach using the VRU, with ANI information, to retrieve customer information including a caller's account number and additional information.

However, Lewis, discloses a cable TV event ordering system in figure 1, Lewis teaches a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines

44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis further teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

In addition, Polcyn teaches an interactive voice response unit, using ANI data to retrieve customer data including account number and account balance (column 4, lines 24-33; column 5, lines 46-67; column 6, lines 20-31; column 9, lines 9-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teachings of Lewis and Polcyn, so that each cable television's special event, such the "Rolling Stone" video, and each special sporting and entertainment events, would have its own unique telephone number for ordering, and a customer account number and balance would have been retrieved by the VRU with ANI data, because such a modification would have simplified cable event ordering by eliminating a program ID selecting step, and would have clarified how a customer account information, such as account balance or payment history, was checked when the customer called from his own home.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in

view of Polcyn et al. US 6,061,433 and further in view of Stoel et al. US 5,905,942.

The modified Sartain's reference, Sartain further teaches using a customer number (PIN) to identify a customer (column 5, lines 8-11), but fails to teach that the PIN includes a rating.

However, Stoel teaches a method for video distribution. Stoel teaches that a subscriber is required to enter PIN for PIN based rating of movies or PPV events (column 5, lines 41-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference with the teaching of Stoel, so that the PIN would have included rating information, because such modification would have prevented minors to order adult programs.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 5-8, 10, 11 and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

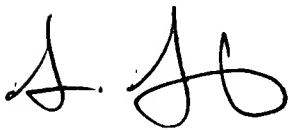
Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30

Application/Control Number:
09/631,076
Art Unit: 2614

Page 10

AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

A handwritten signature in black ink, appearing to be 'S. Sing', with a stylized, cursive script.

S. Sing

01/04/2008